

REMARKS

Claims 4, 10, 12, 13, 15 and 17 are all the claims pending in the present application. Claims 4 and 10 have been amended to recite that the sheets are only joined at the peripheries based on, for example, the Figures and the associated description in the specification.

Preliminarily, Applicants would like to thank the Examiner for the telephone interview conducted with Applicants' representative on June 25, 2008. Applicants believe that the interview was helpful in advancing the prosecution of the present application.

Entry of the above amendments is respectfully requested.

I. Response to Rejection of Claims 4, 10, 12, 13, 15 and 17 under 35 U.S.C. § 112, first paragraph

Claims 4, 10, 12, 13, 15, and 17 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Specifically, the Examiner objects to the term "flat" as new matter because the specification does not use the term "flat" and Figure 1 appears to show "corners".

Applicants respectfully traverse the rejection.

As pointed out during the interview with the Examiner on June 25, 2008, the present invention contemplates that the sheets are flat. First, the claims recite and the specification uses the term "sheet" which connotes a flat object. Second, the specification discloses, for example, methods of making the porous sheet by obtaining porous films, which again connote a flat object, at page 6, first full paragraph. Third, the specification discloses that the porous sheet 11 can have a laminate structure composed of a plurality of films, which is depicted in Figure 3. Figure 3 depicts the porous sheet and reinforcing material as flat objects. Third, Figure 2 depicts two flat sheets 11 and 13 joined at their peripheries.

Thus, given the disclosure, it would be clear to one of skill in the art that the claims are

adequately supported by the written description in the specification and comply with the requirements of 35 U.S.C. § 112, first paragraph.

In view of the above, withdrawal of the rejection is respectfully requested.

II. Response to Rejection of Claims 4, 13 and 15 over Wakamatsu

Claims 4 and 13 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wakamatsu et al. (US 4,667,814).

In addition, claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wakamatsu et al.

Applicants respectfully traverse the reason for record and for the following additional reasons.

Independent claim 4 is directed to a member for an electroluminescent device comprising a container which is made of a porous material and a non-porous material and a removing agent capable of removing a prescribed gaseous component, the removing agent being contained in said container, wherein said container is made of two flat sheets joined together only at their peripheries, one of said two flat sheets being a porous sheet, and the other being a non-porous sheet; said porous sheet is an air-permeable laminate sheet comprising a porous layer and a reinforcing layer; and said reinforcing layer is nonwoven fabric.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. In addition, for anticipation, the *identical invention* must be shown in as complete detail as is contained in the claim. See MPEP §2131.

Wakamatsu discloses an oxygen absorbent packet comprising a plastic container (2), an adhesive (8) to seal (2) and (6), which is an air-permeable nonwoven sheet. See Fig. 2 and col. 2, lines 43-45. Specifically, Wakamatsu discloses that the plastic container (2) has a ***molded***

cup-like shape. See col. 2, lines 30 and Fig. 2. In contrast, claim 4 recites that the "container is made of two flat sheets joined together only at their peripheries where one of said two flat sheets being a porous sheet and the other being a non-porous sheet" (underlining added).

Since Wakamatsu discloses a cup-like container, Wakamatsu does not disclose a container made of two flat sheets joined together only at their peripheries, as recited in claim 4. The present invention made of two flat sheets is clearly different from a cup-like container.

Hence, Wakamatsu does not anticipate claim 4 since it does not each and every element of the claim 4.

For at least the above reasons, it is respectfully submitted that claim 4 is patentable over Wakamatsu.

Additionally, claims 13 and 15 depend from claim 4 and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 4.

In view of the above, withdrawal of the rejection is respectfully requested.

III. Rejection of Claims 4, 13 and 15 over Yamada

Claims 4 and 13 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Yamada et al. (US 5,143,763).

In addition, claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamada et al. (US 5,143,763).

Applicants respectfully traverse the rejection for the reasons of record and for the following reasons.

Yamada discloses containers comprising an oxygen scavenger laminate (see abstract), and Figure 1 shows an oxygen absorber layer (7), a non-woven fabric layer (6), a porous membrane (3), a non-porous layer (2), and a laminate layer (8) having gas barrier properties. See col. 16, lines 28-35.

In Yamada, the oxygen absorbent composition layer 7 is present between layers 8 and layer 6, and thus, layers 8 and 6 are not "joined together only at their peripheries", as recited in claim 4. Thus, Yamada does not disclose the container of claim 4, particularly since it relates to a sheet having a laminated structure.

Further, since Yamada does not disclose a container, it does not disclose a removing agent being contained in the container, as recited in claim 4. The Examiner asserts that a "hollow-type container comprising a removing agent" is not expressly claimed. However, the plain and ordinary meaning of "container" means an object that can hold another object, and thus the Examiner appears to be ignoring the recitation of "container". Furthermore, claim 4 has been amended to recite that the two flat sheets are joined together only at their peripheries for further clarity.

Hence, Yamada also does not anticipate claim 4 since it does not each and every element of the claim.

Further, claims 13 and 15 depend from claim 4, and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 4 over Yamada.

In view of the above, withdrawal of the rejection is respectfully requested.

IV. Response to Rejection of claims 10, 12 and 17 under 35 U.S.C. § 103(a)

Claims 10, 12, and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wakamatsu et al. (US 4,667,814) in view of Biebuyck et al. (US 5,734,225).

In addition, claims 10, 12 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamada et al. in view of Biebuyck et al. (US 5,734,225).

Applicants respectfully traverse the rejection for the reasons of record and for the following reasons.

Claim 10 is directed to an electroluminescent device having a member comprising a container which is made of a porous material and a non-porous material and a removing agent capable of removing a prescribed gaseous component, the removing agent being contained in said container, wherein said container is made of two flat sheets joined together only at their peripheries, one of said two flat sheets being a porous sheet, and the other being a non-porous sheet; said porous sheet is an air-permeable laminate sheet comprising a porous layer and a reinforcing layer; and said reinforcing layer is nonwoven fabric.

Since claim 10 recites the same limitations as claim 4, it is respectfully submitted that claim 10 is patentable for at least the same reasons as claim 4. Specifically, claim 10 recites that the container is made of two flat sheets joined together only at their peripheries where one of said two sheets being a porous sheet and the other being a non-porous sheet. Since Wakamatsu discloses a cup-like container, Wakamatsu does not disclose a container made of two flat sheets joined together.

In addition, claim 10 recites "a container" and "said container is made of two flat sheets joined together only at their peripheries". Yamada, as discussed above does not disclose a "container" as claimed. In addition, claim 10 recites "the removing agent being contained in said container". Since Yamada discloses that the layer 7 contains an oxygen absorbent in the resin and since Yamada does not disclose a container, Yamada fails to disclose a removing agent contained in a container, as claimed.

Further, the secondary references do not make up for the deficiencies of Wakamatsu and Yamada.

Therefore, it is respectfully submitted that a *prima facie* case of obviousness has not been established since the cited references fail to teach or suggest every element of claim 10.

In addition, claims 12 and 17 depend from claim 10, and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 10 over the cited art.

In view of the above, withdrawal of the rejection is respectfully requested.

V. Conclusion

In view of the above, reconsideration and allowance of claims 4, 10, 12, 13, 15, and 17 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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